

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

DR. THOMAS HUBBARD, PhD,

Plaintiff,

v.

Case No. 1:20-cv-767-RP

SARAH ALLEN BLAKEMORE and JOHN
DOES 1-10,

Defendants.

PLAINTIFF’S MOTION TO DISMISS WITH PREJUDICE

COMES NOW Dr. Thomas Hubbard, PhD (“*Dr. Hubbard*” or “*Plaintiff*”) and, pursuant to Fed. R. Civ. P. 41(a)(2), files his Motion to Dismiss With Prejudice as to Defendant Sarah Allen Blakemore (“*Defendant*” or “*Blakemore*”) and John Does 1-10 (“*John Does*” and, collectively, “*Defendants*”), as follows:

GROUND FOR MOTION

Plaintiff brought claims against the University of Texas of Austin (“*UT*”) on matters slightly related to the events underlying this case through the EEOC and TWC, as well as a faculty grievance. See **Ex. A** at preambles. As part of his settlement of his claims against UT, Plaintiff also agreed to dismiss with prejudice three pending lawsuits for defamation that were filed against Defendants, as well as Hollie Green and Zoe Elise Thomas. See *id.* at § 3. The dismissal is to be with all parties bearing their own attorneys’ fees and costs. See *id.* Plaintiff was paid the sum of **\$700,000.00** by UT to settle his claims against UT, Defendants, Green, and Thomas. See *id.* at § 4.

Green and Thomas stipulated to a dismissal with prejudice and each side bearing their own costs and attorneys' fees and those cases have now been dismissed. Blakemore, however, has refused to stipulate to such a dismissal. Blakemore does not oppose dismissal of the claims with prejudice, but—after learning of Plaintiff's settlement with UT and his receipt of compensation—now insists that she should receive her attorneys' fees and costs. Blakemore has indicated that she will seek her costs and file a motion for sanctions on undisclosed grounds to recover her attorneys' fees.

Blakemore currently has no counterclaims on file against Plaintiff.

The Court should grant the dismissal with prejudice and order that each party bear their costs and fees. Blakemore will not be prejudiced because the dismissal is with prejudice and cannot be brought against her in the future. Thus, her work done on this case will not be duplicative or wasted because no future proceedings may be brought.

Plaintiff is clearly a "prevailing party" having received a large settlement payment to dismiss his claims against Blakemore. Blakemore has no legal basis to seek her fees or to move for sanctions and any such request would, in and of itself, be frivolous, sanctionable, and would be a vexatious multiplication of proceedings that Plaintiff reserves the right to seek recovery for should she proceed to file a frivolous pleading seeking recovery of attorneys' fees.

Moreover, in anticipation of Blakemore's frivolous filing seeking attorneys' fees, Plaintiff's counsel in the action against UT, Sherrard "Butch" Hayes and his law firm are hereby entering their appearance on behalf of Plaintiff to provide background or any necessary information regarding the action against UT that resulted in the global settlement that is attached as Exhibit A.

CONCLUSION

For all of the reasons discussed above, the Court should grant Plaintiff's Motion and dismiss his suit with prejudice against Defendants, with all parties bearing their own attorneys' fees and costs.

Respectfully submitted,

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/s/ Joseph D. Sibley

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ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF CONFERENCE

This is to certify that on this the 21st day of July, 2021 (and on occasions prior to this), I conferred with Ross Pringle on the relief sought herein. Mr. Pringle indicated Blakemore is not opposed to dismissal of the case, but Mr. Pringle was instructed by Blakemore's Houston counsel (the Hoover Slovacek law firm) that they would not stipulate to dismissal but would be responding to this Motion and filing a Motion for Sanctions seeking their attorneys' fees.

/s/ Joe Sibley

Joe Sibley

CERTIFICATE OF SERVICE

This is to certify that on this the 21st day of July, 2021, a true and correct copy of the above and foregoing instrument was properly forwarded to all counsel of record via ECF.

/s/ Joe Sibley

Joe Sibley